

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:08CV75-01-MU

DARIN C. SIMPSON,)	
)	
Plaintiff,)	
)	
v.)	<u>O R D E R</u>
)	
COY REID, <u>et al.</u> ,)	
)	
Defendants.)	
)	

THIS MATTER comes before the Court for initial review upon Plaintiff's Complaint, filed

July 23, 2008.

Through his Complaint, Plaintiff, a prisoner incarcerated at the Federal Medical Center, sues seventeen individuals and seeks tens of millions of dollars in damages. A review of Plaintiff's Complaint reveals that it is completely disjointed and nonsensical.¹ Indeed, it would be very difficult for the Court to even coherently summarize his allegations.

It is well settled that the court has authority to dismiss a plainly frivolous claim by an indigent plaintiff. 28 U.S.C. § 1915(e)(2). A frivolous claim is a claim lacking an arguable basis in either law or fact. Neitzke v. Williams, 490 U.S. 319, 325 (1989). After reviewing Plaintiff's Complaint, this Court concludes that Plaintiff's Complaint is frivolous and it must be dismissed. See Denton v. Hernandez, 504 U.S. 25, 32-33 (1992)(in determining whether complaint is factually frivolous, a district court is not required to "accept without question the truth of plaintiff's allegations," but rather is permitted to apply common sense and reject the fantastic); see also Cochran v. Morris, 73

¹ For example, Plaintiff asserts that he was almost murdered by Aldrich Ames.

F.3d 1310, 1317 (4th Cir. 1996)(noting that to survive review for factual frivolousness, a plaintiff may not merely rely on conclusory allegations) and Adams v. Rice, 40 F.3d 72, 74 (4th Cir. 1994)(a court has the authority to dismiss claims that are obviously “fantastic” or delusional” and a plaintiff “must present more than naked allegations.”).²

IT IS THEREFORE ORDERED THAT Plaintiff’s Complaint is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2).

Signed: July 28, 2008



Graham C. Mullen
United States District Judge



² The Court notes that Plaintiff has had two other cases dismissed on initial review by this Court in the last three and a half months. (3:08cv176 and 5:08cv76)